

**U.S. District Court
District of Maryland (Baltimore)
CIVIL DOCKET FOR CASE #: 1:19-cv-01264-GLR**

Wheelabrator Baltimore, L.P. et al v. Mayor and City Council of Baltimore

Assigned to: Judge George Levi Russell, III
Cause: 28:1331 Violation of Constitutional Rights

Date Filed: 04/30/2019

Jury Demand: None

Nature of Suit: 893 Environmental Matters

Jurisdiction: Federal Question

Plaintiff

Wheelabrator Baltimore, L.P.

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Plaintiff**Energy Recovery Council**

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Plaintiff

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Plaintiff

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V.

Defendant

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Amicus

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Date Filed	#	Docket Text
04/30/2019	1 R	COMPLAINT against Mayor and City Council of Baltimore (Filing fee \$ 400 receipt number 0416-7982265.), filed by Wheelabrator Baltimore, L.P., TMS Hauling LLC, Curtis Bay Energy, L.P., Energy Recovery Council, National Waste & Recycling Association. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Summons)(Prather, Roy) (Entered: 04/30/2019)
04/30/2019		Case Assigned to Judge George Levi Russell, III. (ko, Deputy Clerk) (Entered: 04/30/2019)
04/30/2019	2	Summons Issued 21 days as to Mayor and City Council of Baltimore.(slss, Deputy Clerk) (Entered: 04/30/2019)
05/01/2019	3	Local Rule 103.3 Disclosure Statement by Curtis Bay Energy, L.P. (Zivkovich, Michael) (Entered: 05/01/2019)
05/01/2019	4	Local Rule 103.3 Disclosure Statement by Wheelabrator Baltimore, L.P. (Prather, Roy) (Entered: 05/01/2019)
05/01/2019	5	Local Rule 103.3 Disclosure Statement by Energy Recovery Council (Prather, Roy) (Entered: 05/01/2019)
05/01/2019	6	Local Rule 103.3 Disclosure Statement by National Waste & Recycling Association (Prather, Roy) (Entered: 05/01/2019)
05/01/2019	7	Local Rule 103.3 Disclosure Statement by TMS Hauling, LLC (Prather, Roy) (Entered: 05/01/2019)
05/06/2019	8	SUMMONS Returned Executed by Wheelabrator Baltimore, L.P., TMS Hauling, LLC, Curtis Bay Energy, L.P., Energy Recovery Council, National Waste & Recycling Association. Mayor and City Council of Baltimore served on 5/1/2019, answer due 5/22/2019.(Prather, Roy) (Entered: 05/06/2019)
05/06/2019	9	MOTION to Appear Pro Hac Vice for James B. Slaughter (Filing fee \$100, receipt number 0416-7994424.) by Energy Recovery Council, National Waste & Recycling Association, TMS Hauling, LLC, Wheelabrator Baltimore, L.P.(Prather, Roy) (Entered: 05/06/2019)
05/06/2019	10	MOTION to Appear Pro Hac Vice for David Friedland (Filing fee \$100, receipt number 0416-7994483.) by Energy Recovery Council, National Waste & Recycling Association, TMS Hauling, LLC, Wheelabrator Baltimore, L.P.(Prather, Roy) (Entered: 05/06/2019)
05/06/2019	11	MOTION to Appear Pro Hac Vice for Joshua H. Van Eaton (Filing fee \$100, receipt number 0416-7994496.) by Energy Recovery Council, National Waste & Recycling Association, TMS Hauling, LLC, Wheelabrator Baltimore, L.P.(Prather, Roy) (Entered: 05/06/2019)

05/06/2019	12	MOTION to Appear Pro Hac Vice for Meghan L. Morgan (Filing fee \$100, receipt number 0416-7994504.) by Energy Recovery Council, National Waste & Recycling Association, TMS Hauling, LLC, Wheelabrator Baltimore, L.P.(Prather, Roy) (Entered: 05/06/2019)
05/10/2019	13	PAPERLESS ORDER granting 9 Motion to Appear Pro Hac Vice on behalf of James B Slaughter. Directing attorney James B Slaughter to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 5/10/2019. (srd, Deputy Clerk) (Entered: 05/10/2019)
05/10/2019	14	PAPERLESS ORDER granting 10 Motion to Appear Pro Hac Vice on behalf of David M Friedland. Directing attorney David M Friedland to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 5/10/2019. (srd, Deputy Clerk) (Entered: 05/10/2019)
05/10/2019	15	PAPERLESS ORDER granting 11 Motion to Appear Pro Hac Vice on behalf of Joshua H Van Eaton. Directing attorney Joshua H Van Eaton to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 5/10/2019. (srd, Deputy Clerk) (Entered: 05/10/2019)
05/10/2019	16	PAPERLESS ORDER granting 12 Motion to Appear Pro Hac Vice on behalf of Meghan Morgan. Directing attorney Meghan Morgan to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 5/10/2019. (srd, Deputy Clerk) (Entered: 05/10/2019)
05/16/2019	17	NOTICE of Appearance by John Fitzgerald Dougherty on behalf of Mayor and City Council of Baltimore (Dougherty, John) (Entered: 05/16/2019)
05/16/2019	18	Consent MOTION for Extension of Time to File <i>Response to Complaint</i> by Mayor and City Council of Baltimore (Attachments: # 1 Text of Proposed Order)(Dougherty, John) (Entered: 05/16/2019)
05/16/2019	19	ORDER granting 18 Consent MOTION for Extension of Time to File Response to Complaint by Mayor and City Council of Baltimore. Signed by Judge George Levi Russell, III on 5/16/2019. (jnl, Deputy Clerk) (Entered: 05/16/2019)
07/15/2019	20	Request for Conference (Van Eaton, Joshua) (Entered: 07/15/2019)
07/17/2019	21	NOTICE of Appearance by Doris N Weil on behalf of Mayor and City Council of Baltimore (Weil, Doris) (Entered: 07/17/2019)
07/17/2019	22	QC NOTICE: 21 Notice of Appearance filed by Mayor and City Council of Baltimore. **Each attorney must file their Notice of Appearance using their individual login. (jnl, Deputy Clerk) (Entered: 07/17/2019)
07/18/2019		Telephone Conference re: ECF No. 20 held on 7/18/2019 before Judge George Levi Russell, III. (kmts, Deputy Clerk) (Entered: 07/18/2019)
07/18/2019	23	ORDER re Schedule. Signed by Judge George Levi Russell, III on 7/18/2019. (jnl, Deputy Clerk) (Entered: 07/18/2019)
07/18/2019	24	ORDER REFERRING CASE to Magistrate Judge Beth P. Gesner for resolution of any remaining scheduling disputes. Signed by Judge George Levi Russell, III on 7/18/2019. (jnl, Deputy Clerk) (Entered: 07/18/2019)
07/19/2019	25	STATUS REPORT by Curtis Bay Energy, L.P., Energy Recovery Council, National Waste & Recycling Association, TMS Hauling, LLC, Wheelabrator Baltimore, L.P.(Van Eaton, Joshua) (Entered: 07/19/2019)
07/22/2019	26	MARGINAL ORDER Approving 25 Status Report filed by Wheelabrator Baltimore,

		L.P., TMS Hauling, LLC, National Waste & Recycling Association, Curtis Bay Energy, L.P., Energy Recovery Council. Signed by Judge George Levi Russell, III on 7/22/2019. (ol, Deputy Clerk) (Entered: 07/22/2019)
07/22/2019	27	NOTICE of Appearance by Matthew W Nayden on behalf of Mayor and City Council of Baltimore (Nayden, Matthew) (Entered: 07/22/2019)
07/22/2019	28	ORDER Scheduling Telephone Conference; Alternative Schedule Proposal Due July 23, 2019. Signed by Magistrate Judge Beth P. Gesner on 7/22/2019. (ol, Deputy Clerk) (Entered: 07/22/2019)
07/22/2019	29	NOTICE of Appearance by Thomas Patrick George Webb on behalf of Mayor and City Council of Baltimore (Webb, Thomas) (Entered: 07/22/2019)
07/22/2019	30	MOTION to Dismiss for Failure to State a Claim by Mayor and City Council of Baltimore (Attachments: # 1 Memorandum in Support, # 2 Exhibit, # 3 Text of Proposed Order)(Weil, Doris) (Entered: 07/22/2019)
07/23/2019	31	Correspondence re: Scheduling (Webb, Thomas) (Entered: 07/23/2019)
07/24/2019	32	ORDER re Briefing Schedule. Signed by Magistrate Judge Beth P. Gesner on 7/24/2019. (ol, Deputy Clerk) (Entered: 07/24/2019)
08/02/2019		Magistrate Judge Beth P. Gesner no longer assigned to case. (jnl, Deputy Clerk) (Entered: 08/02/2019)
08/06/2019	33	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 7/18/19, before Judge Russell. Total number of pages filed: 28. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER. Redaction Request due 8/27/2019. Redacted Transcript Deadline set for 9/6/2019. Release of Transcript Restriction set for 11/4/2019. (jnl, Deputy Clerk) (Entered: 08/06/2019)
08/16/2019	34	RESPONSE in Opposition re 30 MOTION to Dismiss for Failure to State a Claim filed by Wheelabrator Baltimore, L.P.. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B)(Morgan, Meghan) (Entered: 08/16/2019)
08/23/2019	35	MOTION for Partial Summary Judgment by Wheelabrator Baltimore, L.P. (Attachments: # 1 Memorandum in Support, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit O, # 16 Exhibit P)(Morgan, Meghan) (Entered: 08/23/2019)
08/30/2019	36	MOTION for Leave to File by Local Government Coalition for Renewable Energy (Attachments: # 1 Attachment Brief Amicus Curiae)(Lambiotte, Benjamin) (Entered: 08/30/2019)
09/13/2019	37	RESPONSE in Opposition re 36 MOTION for Leave to File <i>Amicus Brief</i> filed by Mayor and City Council of Baltimore.(Weil, Doris) (Entered: 09/13/2019)
09/20/2019	38	REPLY to Response to Motion re 30 MOTION to Dismiss for Failure to State a Claim filed by Mayor and City Council of Baltimore.(Weil, Doris) (Entered: 09/20/2019)



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